IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

-

WRIT PETITION NO : 29850 of 1995

Between:

M. Ramdass Singh S/o papalal singh
H.No.3-1-601, Nimboli Adda Kachiguda,
Hyderabad-27.

..... PETITIONER

AND

1 The Special Officer & Competent Authority under Urban Land Ceiling, Chandravihar, M.G.Road, Hyderabad.
2 The Commissioner for Land Reform & Urban Land Ceilings, Nampally Road, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to pass an order or direction more particularly writ of Mandamus declaring the proceedings of 1st Respondent passed in No.H1/2005/76 dt.20.9.1986 which was confirmed by the 2nd respondent in his proceeding No.UC1/3500/86 dt.3.10.1992 as illegal, arbitrary and void apart from it violates the principal of natural justice.

Counsel for the Petitioner: MR.N.ASHOKUMAR

Counsel for the Respondent Nos.1 & 2: GP FOR REVENUE

The Court made the following :

ORDER:

This writ petition has been filed seeking a declaration that the proceedings dated 20-09-1986 of the 1st respondent which was confirmed by the 2nd respondent in his proceedings No.UCI/3500/86 dated 3-10-1992 as illegal and arbitrary.

The factual position of the case in nutshell is as follows:

It has been stated that the petitioner is son of one Rukku Bai who filed a declaration after the advent of the Urban Land (ceiling & Regulation) Act, 1976 (for short 'the Act') under Section 6(1) of the Act that she is the owner of H.No.3-1-601 situated at Nimboli Adda, Kachiguda, Hyderabad and also owns agricultural land in Moosi river in Sy.No.24 about 1.32 guntas. The authorities under the Act served notices under Section 8(3) of the Act on the mother of the petitioner, for which the mother of the petitioner filed objection petition with several grounds. But the Competent Authority-1st respondent without affording any opportunity or personal hearing either to the mother of the petitioner or to the petitioner passed final orders and ultimately rejected the objections through his proceedings No. H1/2005/76 dated 20-9-1986.

It is the further case of the petitioner that aggrieved by the orders of the first respondent dt. 20-9-1986, the mother of the petitioner preferred an appeal before the second respondent. It is the case of the petitioner that his mother died in the year 1990 and as such they could not follow the proceedings before the second respondent. But, without considering the factual aspects that the mother of the petitioner was not given any opportunity to contend before the Competent Authority-first respondent, the second respondent simply rejected the appeal preferred by the mother of the petitioner by an order in proceedings No. C.No.U.C.1/3500/86, dated 3-10-1992 and he was not communicated with the copy of the said order. Hence, the writ petition.

Learned counsel for the petitioner submitted that the petitioner's mother who was the declarant from the said proceedings died in the year 1990 and as such by virtue of

the death of the mother of the petitioner, the order dated 3-10-1992 passed by the Appellate Authority confirming the proceedings dt. 20-9-1986 passed by the Competent Authority have become nullity. Under the above circumstances, the learned Counsel sought liberty of this Court to raise all the objections raised herein before the Appellate Authority.

On examination of the facts of the case and in view of the fact, as stated in the affidavit filed in support of the writ petition, that the petitioner's mother died as early as in the year 1990 before passing the orders by the appellate authority the order of the Appellate Authority has to be declared nullity, liable to be set aside and accordingly the same is set aside, giving liberty to the petitioner to approach the appellate authority.

Accordingly, the writ petition is allowed to the extent indicated above giving liberty to the petitioner to approach the Appellate Authority under the Urban Land (Ceiling & Regulation) Act, 1976 with an appropriate application, raising all the objections raised herein, by seeking an appropriate relief, within a period of six (6) weeks from the date of receipt of a copy of this order, and on filing such application, the Appellate Authority shall dispose of the same within a period of eight (8) weeks thereafter, in accordance with law.

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23rd DECEMBER 2004

Kvrk

That Rule Nisi has been made absolute as above

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

Thursday, the Twenty Third Day of December Two thousand and Four

To

1 The Special Officer & Competent Authority under Urban Land Ceiling, Chandravihar, M.G.Road, Hyderabad.
2 The Commissioner for Land Reform & Urban Land Ceilings, Nampally Road, Hyderabad.

3. Two CCs to GP for Land Revenue, High Court Buildings, Hyd. (OUT)

4. Two CD copies.